

1 JOHN L. FITZGERALD (SBN 126613)  
ANDREW A. AUGUST (SBN 112851)  
2 PINNACLE LAW GROUP LLP  
425 California Street, Suite 1800  
3 San Francisco, CA 94111  
Telephone: (415) 394-5700  
4 Facsimile: (415) 394-5003  
[aaugust@pinnaclelawgroup.com](mailto:aaugust@pinnaclelawgroup.com)

5 WALTER E. DIERCKS (*pro hac vice*)  
RUBIN, WINSTON, DIERCKS,  
6 HARRIS & COOKE, LLP  
Sixth Floor, 1155 Connecticut Avenue, N.W.  
7 Washington, D.C. 20036  
Telephone: (202) 861-0870  
8 Facsimile: (202) 429-0657  
[wdiercks@rwdhc.com](mailto:wdiercks@rwdhc.com)

9 Attorneys for Plaintiff  
10 MINORITY TELEVISION PROJECT, INC.

11 JOSEPH P. RUSSONIELLO (SBN 44332)  
United States Attorney  
12 JOANN M. SWANSON (SBN 88143)  
Chief, Civil Division  
MELISSA K. BROWN (SBN 203307)  
13 Assistant United States Attorney  
450 Golden Gate Avenue, Box 36055  
14 San Francisco, CA 94102-3495  
Telephone: (415) 436-6962  
15 Facsimile: (415) 436-6748

16 Attorneys for Defendants  
FEDERAL COMMUNICATIONS COMMISSION and  
17 UNITED STATES OF AMERICA

18 **UNITED STATES DISTRICT COURT**  
19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN FRANCISCO DIVISION**

21 MINORITY TELEVISION PROJECT, INC.,

22 Plaintiff,

23 v.

24 FEDERAL COMMUNICATIONS  
COMMISSION and UNITED STATES OF  
25 AMERICA,

26 Defendants.  
27

**Case No. 06-2699-EDL**

**STIPULATION AND [PROPOSED]  
ORDER TO MODIFY DISPOSITIVE  
MOTION BRIEFING SCHEDULE**

1 WHEREAS, the plaintiff, Minority Television Project, Inc. ("Plaintiff") requests a  
2 modification to Dispositive Motion Briefing Schedule issued by this Court on February 4, 2009,  
3 due to medical issues encountered by lead counsel, Walter E. Diercks, and his wife;

4 WHEREAS, as a result of these issues, the parties United States of America and the  
5 Federal Communications Commission (collectively "Defendants") and Plaintiff have agreed to  
6 the proposed modification to the Dispositive Motion Briefing Schedule:  
7

8 Dispositive Motions

- 9 • Plaintiff's Opening and/or cross motion shall be due on May 5, 2009;  
10 • Defendants' Reply Brief shall be due on May 27, 2009;  
11 • Plaintiff's Reply Brief shall be due on June 9, 2009;  
12 • Dispositive Motion hearing shall be held on June 30, 2009 at 9:00 am  
13

14 WHEREAS the parties respectfully request that the Court adopt the proposed  
15 aforementioned modification to the Dispositive Motion Briefing Schedule.

16 Dated: April 24, 2009

Respectfully submitted,

17 Andrew A. August  
18 John L. Fitzgerald  
19 Walter E. Diercks

20 By: /s/ Andrew A. August  
Attorneys for MINORITY  
TELEVISION PROJECT, INC.

21 Dated: April 24, 2009

22 JOSEPH P. RUSSONIELLO  
United States Attorney

23 By: /s/ Melissa K. Brown  
24 Melissa K. Brown  
25 Assistant United States Attorney  
26  
27  
28

**[PROPOSED] ORDER**

Dispositive Motions

- Plaintiff's Opening and/or cross motion shall be due on May 5, 2009;
- Defendants' Reply Brief shall be due on May 27, 2009;
- Plaintiff's Reply Brief shall be due on June 9, 2009;
- The Dispositive Motion hearing shall be held on June 30, 2009 at 9:00 am.

**IT IS SO ORDERED.**

Dated: April 24, 2009

